

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Telecommunications Relay Services	)	CC Docket No. 98-67
And Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	

To: The Commission

**NATIONAL VIDEO RELAY SERVICE COALITION**  
**REPLY COMMENTS ON SPEED OF ANSWER REQUIREMENT FOR VRS**

The National Video Relay Service Coalition (the “Coalition”)<sup>1</sup> hereby submits its reply comments in response to Public Notice, DA No. 05-339, released February 8, 2005 seeking additional comment on the speed of answer requirement for Video Relay Service (“VRS”). In its Public Notice, the Commission asked whether a speed of answer rule should be adopted for VRS and included a series of questions regarding the specifics of a speed of answer requirement. These reply comments respond to some of the issues raised in the opening round of comments.

**I. Speed of Answer Standard**

In its opening comments, the Coalition explained why a speed of answer requirement for VRS is critical to achieve functional equivalency as mandated by the Americans with Disabilities

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<sup>1</sup> The National Video Relay Service Coalition is an *ad hoc* group that includes the following organizations: Telecommunications for the Deaf, Inc. (“TDI”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), National Association of the Deaf (“NAD”), The Association for Late Deafened Adults (“ALDA”), the American Association of People with Disabilities (“AAPD”), Deaf and Hard of Hearing in Government (“DHHIG”), the California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), the Student Body Government of Gallaudet University (“SBG”), and the Registry of Interpreters for the Deaf, Inc. (“RID”).

Act (the “ADA”).<sup>2</sup> Title IV of the ADA, which addresses access to telecommunications by deaf and hard of hearing persons, was codified in Section 225 of the Communications Act of 1934, as amended (the “Act”).<sup>3</sup> The Coalition explained that Section 64.604(b)(2)(ii) of the Commission’s rules<sup>4</sup> requires that 85% of Telephone Relay Service (“TRS”) calls be answered within 10 seconds (the “85/10 Standard”), and that the rule was written for the purpose of achieving functional equivalency as mandated by the ADA. Since VRS is a form of TRS, and voice telephone users expect and receive instant dial tone when they pick up the phone, the ADA mandates that a VRS user should expect and receive nothing less. The Coalition explained that the speed of answer standard already established for TRS in Section 64.604(b)(2)(ii) provides for such functional equivalency.

The Coalition stands by its opening comments that VRS, as a form of TRS, should be governed by the 85/10 Standard established in Section 64.604(b)(2)(ii), taking into consideration the different technologies for each service. The Coalition recognizes that some parties have expressed concerns regarding the number of interpreters in certain parts of the country.<sup>5</sup> It is, however, inappropriate and premature to discuss the number of interpreters in determining what is the appropriate speed of answer requirements necessary for achieving functional equivalency. Discussing the supply of interpreters is a red herring to keep the FCC from implementing speed

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<sup>2</sup> PL 101-336, July 26, 1990.

<sup>3</sup> 47 U.S.C. § 225.

<sup>4</sup> 47 C.F.R. § 64.604(b)(2)(ii).

<sup>5</sup> If some VRS providers are concerned that there may not be enough qualified interpreters in certain cities, they may open VRS centers in those cities that have an available supply of interpreters. In addition, they can establish multiple VRS call centers to avoid hiring large numbers of interpreters from any one metropolitan area. The use of multiple call centers will not reduce the efficiency of assigning VRS calls to interpreters, because all calls can come into one control center which would be capable of assigning the calls to available interpreters in remote

of answer requirements. Innovative strategies and programs are being developed and established which will meet the growing demand for interpreters, and a functionally equivalent speed of answer requirement will further stimulate such programs. On the other hand, the Coalition believes that a lenient speed of answer requirement will stunt the growth of the ranks of qualified interpreters and defeat efforts to achieve functional equivalency.

It is only after VRS providers have submitted evidence that they have made every possible effort, in vain, to satisfy the speed of answer requirements, that the FCC should link the interpreter supply issue with speed of answer requirements. Even then, it should be for the sole purpose of a waiver limited in time until the speed of answer requirement can be achieved. It is therefore premature to link the interpreter availability issue until there has been an opportunity to implement a speed of answer requirement and until providers are given an opportunity to do everything they can do to satisfy such requirements.

Some of the VRS providers have suggested that a standard of answering 85% of the calls within 30 seconds (an “85/30 Standard”) can be implemented within six months of a Commission decision regarding a VRS speed of answer requirement without causing a detrimental drain on the supply of interpreters. One provider has even submitted statistical information demonstrating that not many additional interpreters would be required to achieve an 85/30 Standard. While such a standard would be a major improvement over today’s situation, the Coalition believes that an 85/10 Standard would deliver closer to functionally equivalent services with minimal impact.

Although some parties have suggested a speed of answer standard that permits longer answer times, the Coalition strongly opposes any interim answer times longer than an 85/30

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call centers.

Standard, and even then, any deviation from the 85/10 Standard must be for as short a period of time as is necessary to implement the 85/10 Standard. The ADA mandates functional equivalency, and the longer the answer time, the more VRS is removed from functional equivalency. Since some of the VRS providers explain that the 85/30 Standard is achievable within 6 months, there is no reason why all of the VRS providers cannot make changes in their business model or practices in order to meet the 85/30 Standard being promoted by some providers or the 85/10 Standard being advocated by consumers. Functional equivalency as mandated by the ADA requires implementation of the 85/10 Standard at the earliest possible time.

## **II     Sequential Calls**

One provider has asked that sequential calls be included in the speed of answer calculation. The provider argues that after the incoming call is handled, and an answer speed is determined for that call, all subsequent calls made on the same connection to the VRS call center should be considered as having an answer speed of zero.

The Coalition strongly oppose this. The standard industry practice is to measure answer speed for the first inbound call only. If sequential calls were counted, it would skew the results in favor of a low answer speed, and not accurately reflect the consumers' true experiences. For example, suppose the customer calls the VRS provider. If it takes 15 minutes for a communications assistant ("CA") to answer the call, the measured speed of answer would be 15 minutes. Once the CA answers, the customer places a call. Not wanting to spend another 15 minutes waiting for the CA to answer a second time, the customer decides to make three additional calls while the CA is on the line. If the first connection took 15 minutes for the CA to answer, and the other calls count for zero wait time, the average speed of answer would be

considered to be 3 minutes, 45 seconds. (The average of one call with 15 minutes wait time and 3 calls with zero wait time.) In reality, there was one call attempt to the VRS provider with a wait time of 15 minutes, and thus the average speed of answer was 15 minutes. Therefore, sequential calls should not be considered in the average speed of answer calculation.

### **III. Measuring and Reporting Requirements**

In its opening comments, the Coalition noted that Section 64.604(b)(2)(ii)(C) of the rules<sup>6</sup> provides that compliance with the TRS speed of answer requirement be measured on a daily basis, and explained that since VRS is a form of TRS, there is no reason to measure compliance on any other basis. On the other hand, a number of providers suggested that speed of answer compliance be measured and reported on a monthly basis. Although there is near unanimity for monthly reporting of speed of answer measurements, the Coalition disagrees with those providers advocating only monthly measurements. Measuring on a monthly basis does not provide the type of statistical accuracy necessary to determine whether the providers are complying with the speed of answer requirement as well as the information that is needed to identify and troubleshoot problems. Since the TRS providers are already measuring speed of answer for TRS on a daily basis, there is no reason why the VRS providers cannot do the same for VRS.

### **IV. Cost Reimbursement**

Lastly, the VRS providers unanimously requested reimbursement from the TRS Fund for their expenses incurred for the hiring and training of interpreters during the six-month implementation period and for the ongoing expense of the additional interpreters needed to comply with the VRS speed of answer requirement. Since such costs would be a necessary cost

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<sup>6</sup> 47 C.F.R. § 64.604(b)(2)(ii)(C).

of providing VRS service, the Coalition is open to supporting such a request but believes that this is best addressed separately from the current speed of answer notice.

**V. Conclusion**

For the reasons stated herein, the National Video Relay Service Coalition respectfully requests that (i) the speed of answer rule for VRS require that 85 percent of all VRS calls be answered by the VRS call center within 10 seconds; (ii) sequential calls not be considered when calculating average speed of answer; (iii) compliance be measured on a daily basis, and (iv) monthly compliance reports be filed with the National Exchange Carrier Association or with the Commission by the VRS providers.

Respectfully submitted,

/S/

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